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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,870	04/12/2007	Andrew F. Skinner	7175-202438	3933

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BARNES & THORNBURG, LLP
11 SOUTH MERIDIAN STREET
INDIANAPOLIS, IN 46204

EXAMINER

GIBSON, RANDY W

ART UNIT	PAPER NUMBER
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2841

MAIL DATE	DELIVERY MODE
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11/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,870

Applicant(s)

SKINNER ET AL.

Examiner

Randy W. Gibson

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/4/06</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 13 and 14 are objected to because of the following informalities: these claims are dependent on themselves. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-6, 9, 12, 13, 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Viard et al (US # 6,094,762). Viard disclose a frame (Col. 5, lines 1-4), a deck (40), a mattress with an inflatable cell (14), an air source (20), a pressure sensor (50), and a controller (46) to control the air-source in response to the patient's weight (Col. 6, lines 6-26).

5. Claims 1-14 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers et al (US # 6,058,341). Myers disclose a frame (14), a deck (12), a mattress with an inflatable cell (20), an air source (40), a pressure sensor (26), and a controller (50) to control the air-source in response to the patient's weight (Col. 3, lines 5-42).

6. Claims 1-5 and 9-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Caldwell (WO 03/024380 A1). Caldwell discloses the claimed invention including a patient support (claim 6), a frame (8 in figure 2), a deck supported by the frame (2), a mattress supported by the deck (4, 6), an inflatable cell (7) operatively coupled to the mattress and configured to contain a fluid ("air cells (7)"), an air source ((15) in figure 2) configured to inflate the inflatable cell, a pressure sensor (p. 5, §4) configured to measure a pressure of the fluid in the inflatable cell, and a controller (20) coupled to the pressure sensor and the air source (p. 5, §4-p. 6, l.2) configured to determine a weight of a patient positioned on the patient support (steps d) to g) in claim 6), and control the air source in response thereto. See the Written Opinion of the International Searching Authority for the details of the independent claims.

7. Claims 1-5 and 9-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Price et al (WO 00/24353). Price discloses the claimed invention including a patient support (claim 9), a frame ((34) in figure 4), a deck supported by the frame (38), a mattress supported

by the deck (36), an inflatable cell (12) operatively coupled to the mattress and configured to contain a fluid ("air mattress layer" (12)), an air source (23 in p. 9, lines 23-30) configured to inflate the inflatable cell, a pressure sensor (7 in p. 10, line 19) configured to measure a pressure of the fluid in the inflatable cell, and a controller (18) coupled to the pressure sensor and the air source (fig. 2) configured to determine a weight of a patient positioned on the patient support (p. 10, lines 25-27 and claim 15), and control the air source in response thereto. See the Written Opinion of the International Searching Authority for the details of the independent claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al (US # 6,058,341) in view of Kriger (US # 6,649,848 B2). There is no indication that the device of Meyers actually displays the weight in a human readable form. Kriger teaches that it is sometimes desirable to display the weight of a passenger on an automobile seat for the passenger's own personal information (Col. 2, lines 25-60).

It would have been obvious to modify the device of Meyers with a human readable display in order to make the measured weight information available to the passenger, as shown by Kriger, so that the passenger can monitor his own weight for personal reasons.

Conclusion

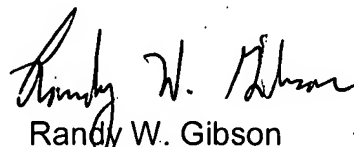
- 10.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (571) 272-2103. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Randy W. Gibson
Primary Examiner
Art Unit 2841